

5/20/91 VACATION OF UTILITY, DRAINAGE  
AND CONSERVATION EASEMENTS  
CLARK'S 2ND ADDITION

NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR UTILITY AND DRAINAGE PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on May 20, 1991, adopted a Resolution Vacating Easements for Utility and Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

The north 1.00 foot of the South 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

Notice of Completion of Proceedings on  
Vacation of Easements for Utility and Drainage Purposes  
Page 2

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.

The southeasterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8 except the east 6.00 feet and the westerly 10.00 feet thereof.

The time of completion of proceedings and the effective date of said vacation is May 21, 1991.

BY ORDER OF THE CITY COUNCIL  
CITY OF EDINA

---

Marcella M. Daehn  
City Clerk

October 30, 1991

Stuart E. Fraser  
NSP - Normandale Division  
5309 W. 70th Street  
Edina MN 55439

Steven Von Bargaen  
Minnegasco  
700 Linden Avenue W.  
P.O. Box 1165  
Minneapolis MN 55403

Pat Hopman  
U.S. West Communications  
6244 Cedar Avenue So.  
Richfield MN 55423

Matt Haveland  
Paragon Cable  
801 Plymouth Avenue No.  
Minneapolis MN 55411

Re: Notice of Completion - Vacation of Utility and Drainage Easements  
CLARK'S 2ND ADDITION

On October 25, 1991, you were mailed a copy of the Notice of Completion for the above referenced vacation of utility and drainage easements. There was an error in that notice in that Lot 2 was not included.

Please replace the notice sent on October 25th with the enclosed corrected Notice of Completion. I regret any inconvenience this may have caused.

Sincerely yours,

Marcella M. Daehn  
City Clerk

enclosure

To Marce  
 Date 10/20 Time 10:17 ☒ AM ☐ PM

**WHILE YOU WERE OUT**

M. Wendell A. Boone  
 of Wendell A. Boone  
 Phone ( )            Area Code            Number            Extension           

|                   |                                     |                 |                                     |
|-------------------|-------------------------------------|-----------------|-------------------------------------|
| TELEPHONED        | <input checked="" type="checkbox"/> | PLEASE CALL     | <input checked="" type="checkbox"/> |
| CALLED TO SEE YOU | <input type="checkbox"/>            | WILL CALL AGAIN | <input type="checkbox"/>            |
| WANTS TO SEE YOU  | <input type="checkbox"/>            | URGENT          | <input type="checkbox"/>            |

☐ RETURNED YOUR CALL

Message 340-2892  
TF - (No Lot 2)  
Vacation Lot 1 repeated  
Clarke

Operator           

D2-23000S

**Bertelson**  
 COMMERCIAL REAL ESTATE

612 546-4371  
 612 546-5633 FAX

question about it -



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424  
612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR UTILITY AND DRAINAGE PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on May 20, 1991, adopted a Resolution Vacating Easements for Utility and Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

The north 1.00 foot of the South 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

*3 copies* The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot ~~1~~<sup>2</sup>, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

Notice of Completion of Proceedings on  
Vacation of Easements for Utility and Drainage Purposes  
Page 2

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.

The southeasterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8 except the east 6.00 feet and the westerly 10.00 feet thereof.

The time of completion of proceedings and the effective date of said vacation is May 21, 1991.

BY ORDER OF THE CITY COUNCIL  
CITY OF EDINA



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Marcella M. Daehn  
City Clerk



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424  
612-927-8861

October 25, 1991

Mr. Thomas S. Erickson  
Dorsey and Whitney  
2200 First Bank Place East  
Minneapolis, MN 55402

Re: Vacation of Utility and Drainage Easements  
Vacation of Conservation Easement  
CLARK'S 2ND ADDITION

Dear Tom:

Enclosed is a Notice of Completion for each of the above referenced vacations. I have been holding these pending execution and return to the City by the property owner (Ron Clark) of the amendment to the conservation easement. Craig Larsen has informed me that the amendment has been returned and that he has forwarded it to your office for filing.

Will you please have the enclosed documents entered into the transfer record of the County Auditor and filed with the County Recorder and then send me the recording data.

Sincerely yours,

*Marcella M. Daehn*

Marcella M. Daehn  
City Clerk

enclosures





4801 WEST 50TH STREET, EDINA, MINNESOTA 55424  
612-927-8861

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR UTILITY AND DRAINAGE PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on May 20, 1991, adopted a Resolution Vacating Easements for Utility and Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

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The north 1.00 foot of the South 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

Notice of Completion of Proceedings on  
Vacation of Easements for Utility and Drainage Purposes  
Page 2

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.

The southeasterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8 except the east 6.00 feet and the westerly 10.00 feet thereof.

The time of completion of proceedings and the effective date of said vacation is May 21, 1991.

BY ORDER OF THE CITY COUNCIL  
CITY OF EDINA



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Marcella M. Daehn  
City Clerk

CITY OF EDINA  
4801 W. 50th Street  
Edina, Minnesota 55424

STREET AND/OR EASEMENT VACATION REVIEW

*Check with Planning on Conservation Easement*

CITY ENGINEER by *Frank J. Hoffmann* ☒ Acceptable ☐ Opposed ☐ Conditional  
as to utility-drainage easements

MINNEGASCO by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

U.S. WEST COMMUNICATIONS by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

NSP by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

PARAGON CABLE by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

CITY PLANNER by *Greg Larsen* ☒ Acceptable ☐ Opposed ☐ Conditional  
as to conservation easement

CONDITIONS: \_\_\_\_\_

LOCATION: Vacation of easements for utility, drainage and conservations purposes  
in CLARK'S 2ND ADDITION

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

CITY OF EDINA  
4801 W. 50th Street  
Edina, Minnesota 55424

STREET AND/OR EASEMENT VACATION REVIEW

|   |                                     |            |                          |         |                          |             |
|---|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____                              | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| MINNEGASCO by <u>Stuart Barga</u> <sup>5-6-91</sup> | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| U.S. WEST COMMUNICATIONS by _____                   | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| NSP by _____  | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| PARAGON CABLE by _____                              | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: \_\_\_\_\_

LOCATION: CLARK'S 2ND ADDITION

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

CITY OF EDINA  
4801 W. 50th Street  
Edina, Minnesota 55424

*Stave*

STREET AND/OR EASEMENT VACATION REVIEW

|                                       |                                     |            |                          |         |                          |             |
|---------------------------------------|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____                | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| MINNEGASCO by _____                   | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| U.S. WEST COMMUNICATIONS by _____     | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| <i>S. C. Van Ameringen - Engineer</i> |                                     |            |                          |         |                          |             |
| NSP by _____                          | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| PARAGON CABLE by _____                | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: \_\_\_\_\_

LOCATION: CLARK'S 2ND ADDITION

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

CITY OF EDINA  
4801 W. 50th Street  
Edina, Minnesota 55424

STREET AND/OR EASEMENT VACATION REVIEW

|                                   |                                     |            |                          |         |                          |             |
|-----------------------------------|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____            | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| MINNEGASCO by _____               | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| U.S. WEST COMMUNICATIONS by _____ | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| NSP by <u>J. E. Fraser</u>        | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| PARAGON CABLE by _____            | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: \_\_\_\_\_

LOCATION: CLARK'S 2ND ADDITION /--Drainage, utility, conservation easements

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

CITY OF EDINA  
4801 W. 50th Street  
Edina, Minnesota 55424

STREET AND/OR EASEMENT VACATION REVIEW

|                                   |                                     |            |                          |         |                          |             |
|-----------------------------------|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____            | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| MINNEGASCO by _____               | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| U.S. WEST COMMUNICATIONS by _____ | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| NSP by _____                      | <input type="checkbox"/>            | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| PARAGON CABLE by _____            | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: \_\_\_\_\_

LOCATION: \_\_\_\_\_ CLARK'S 2ND ADDITION \_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

by: Ronald A. Goodin MAY 09 1991  
Ronald Goodin - Verification Technician - 522-5200 X-754  
@Paragon Cable Design/Construction Departments

Paragon Map Nos. 157-35 - 44 - 45

**NOTICE OF PUBLIC HEARING ON VACATION OF  
EASEMENTS FOR UTILITY, DRAINAGE AND CONSERVATION PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on May 20, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following utility, drainage and conservation easements in CLARK'S 2ND ADDITION:

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

The north 1.00 foot of the south 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.



Notice of Public Hearing  
Vacation of Easements  
Page 2

The southwesterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8, except the east 6.00 feet and the westerly 10.00 feet thereof.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

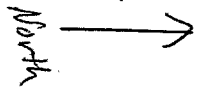
All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacations is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacations affect existing easements within the area of the proposed vacations and the extent to which the vacations affect the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacations, to continue maintaining the same or to enter upon such easement areas or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacations, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

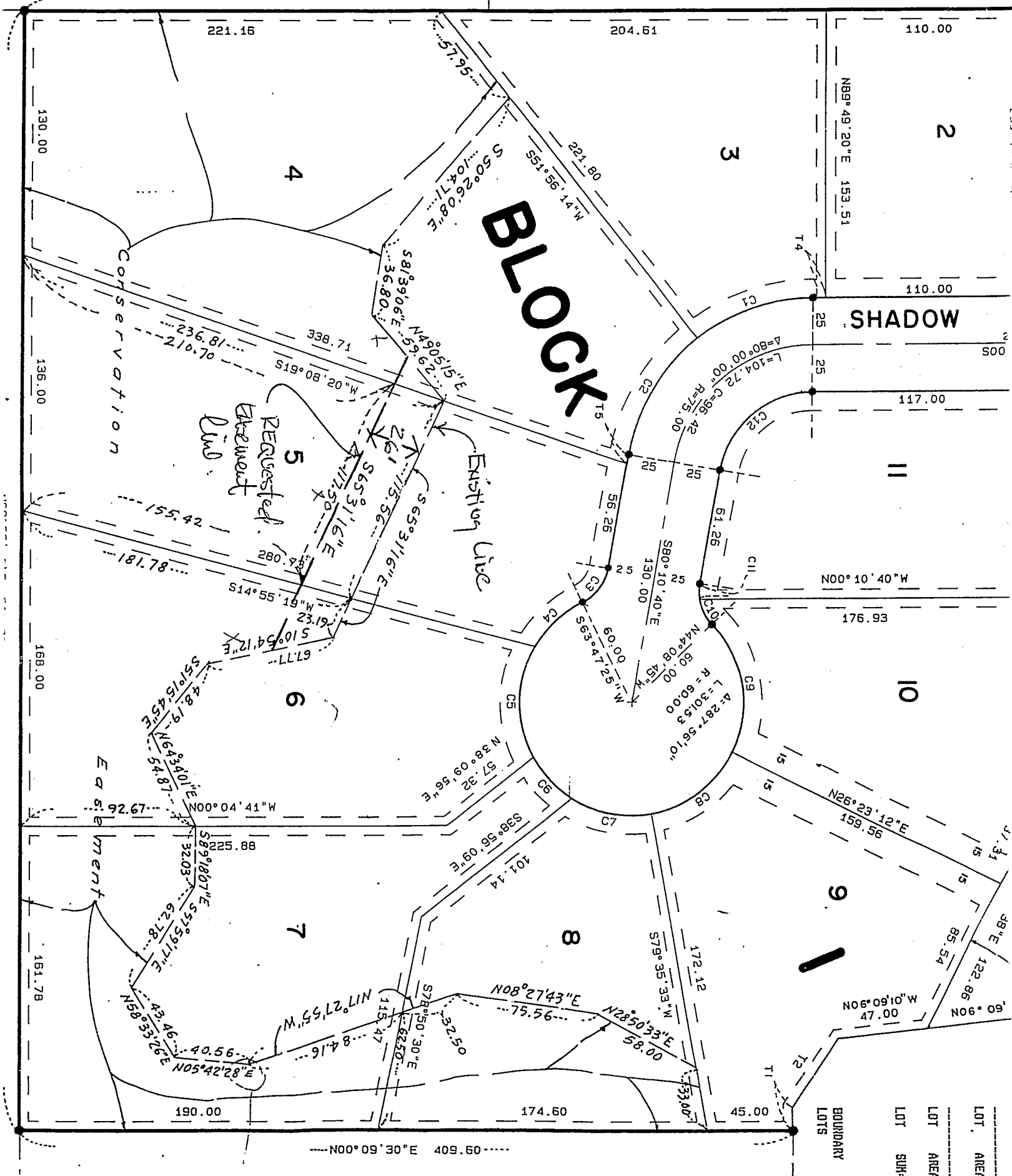
Marcella M. Daehn, City Clerk

04/22/91

# PROSPECT HILLS

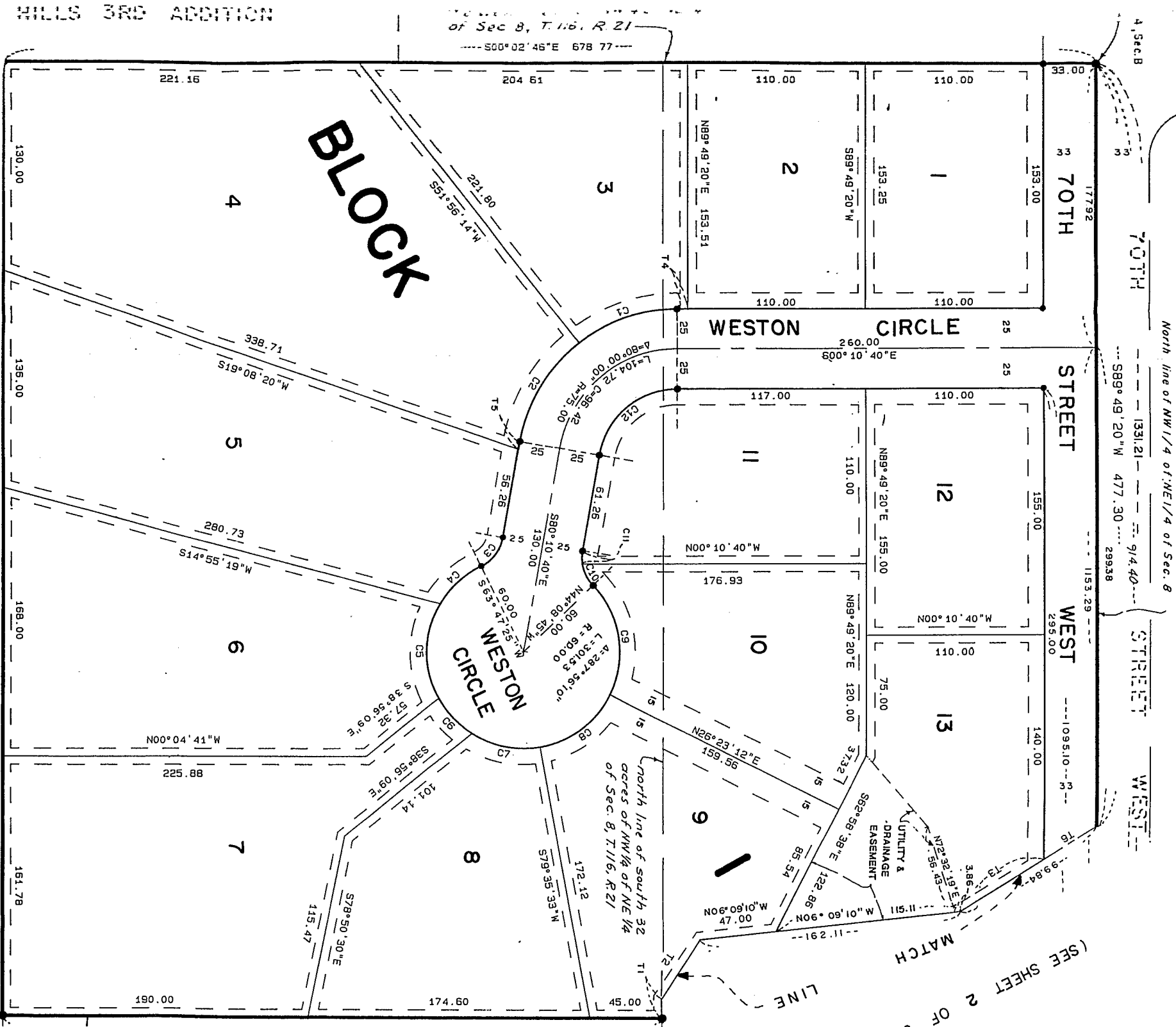


-----S00° 02' 46"E 678.77----



# CLARK'S 2ND ADDITION

BUENA VISTA, HENNEPIN COUNTY, MINNESOTA.





4801 WEST 50TH STREET, EDINA, MINNESOTA 55424  
612-927-8861

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR CONSERVATION PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on June 3, 1991, adopted a Resolution Vacating Easement for Conservation Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

That part of the conservation easement over, under and across Lot 4, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 4; thence on an assumed bearing of North 00 degrees 02 minutes 46 seconds West, along the west line of said Lot 4, a distance of 221.16 feet to the northwest corner of said Lot 4; thence North 51 degrees 56 minutes 14 seconds East, along the northwesterly line of said Lot 4, a distance of 57.95 feet; thence South 50 degrees 26 minutes 08 seconds East 104.71 feet; thence South 81 degrees 39 minutes 06 seconds East 36.80 feet; thence North 49 degrees 05 minutes 15 seconds East 31.03 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 14.34 feet to the intersection with the east line of said Lot 4 and said line there terminating.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

That part of the conservation easement over, under and across Lot 6, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 6; thence on an assumed bearing of North 14 degrees 55 minutes 19 seconds East, along the west line of said Lot 6, a distance of 155.41 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 37.28 feet and said line there terminating.

Notice of Completion of Proceedings on  
Vacation of Easement for Conservation Purposes  
Page 2

The time of completion of proceedings and the effective date of said vacation is  
June 4, 1991.

BY ORDER OF THE CITY COUNCIL  
CITY OF EDINA

*Marcella M. Daehn*

---

Marcella M. Daehn  
City Clerk

NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR CONSERVATION PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on June 3, 1991, adopted a Resolution Vacating Easement for Conservation Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

That part of the conservation easement over, under and across Lot 4, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 4; thence on an assumed bearing of North 00 degrees 02 minutes 46 seconds West, along the west line of said Lot 4, a distance of 221.16 feet to the northwest corner of said Lot 4; thence North 51 degrees 56 minutes 14 seconds East, along the northwesterly line of said Lot 4, a distance of 57.95 feet; thence South 50 degrees 26 minutes 08 seconds East 104.71 feet; thence South 81 degrees 39 minutes 06 seconds East 36.80 feet; thence North 49 degrees 05 minutes 15 seconds East 31.03 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 14.34 feet to the intersection with the east line of said Lot 4 and said line there terminating.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

That part of the conservation easement over, under and across Lot 6, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 6; thence on an assumed bearing of North 14 degrees 55 minutes 19 seconds East, along the west line of said Lot 6, a distance of 155.41 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 37.28 feet and said line there terminating.

Notice of Completion of Proceedings on  
Vacation of Easement for Conservation Purposes  
Page 2

The time of completion of proceedings and the effective date of said vacation is  
June 4, 1991.

BY ORDER OF THE CITY COUNCIL  
CITY OF EDINA

---

Marcella M. Daehn  
City Clerk



## REPORT/RECOMMENDATION

|  |   |
|--|---|
| <b>To:</b> KENNETH ROSLAND   | <b>Agenda Item #</b> <u>III. A.</u>                           |
| <b>From:</b> CRAIG LARSEN  | <b>Consent</b> <input type="checkbox"/>                       |
| <b>Date:</b> JUNE 3, 1991  | <b>Information Only</b> <input type="checkbox"/>              |
| <b>Subject:</b> <u>VACATION OF</u><br><u>CONSERVATION EASE-</u><br><u>MENT, CLARK'S 2nd</u><br><u>ADDITION</u> | <b>Mgr. Recommends</b> <input type="checkbox"/> <b>To HRA</b> |
|  | <input checked="" type="checkbox"/> <b>To Council</b>         |
|  | <b>Action</b> <input type="checkbox"/> <b>Motion</b>          |
|  | <input checked="" type="checkbox"/> <b>Resolution</b>         |
|  | <input type="checkbox"/> <b>Ordinance</b>                     |
|  | <input type="checkbox"/> <b>Discussion</b>                    |

### Recommendation:

Approve execution of attached amendment to conservation easement vacating portions of easement over lots 4, 5, and 6 of Clark's 2nd Addition.

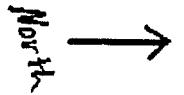
### Info/Background:

Attached is the proposed amendment to the Clark 2nd Addition Conservation Easement. The easement vacation area has been adjusted to include small portions of adjacent lots 4 and 6 as suggested by the Council.

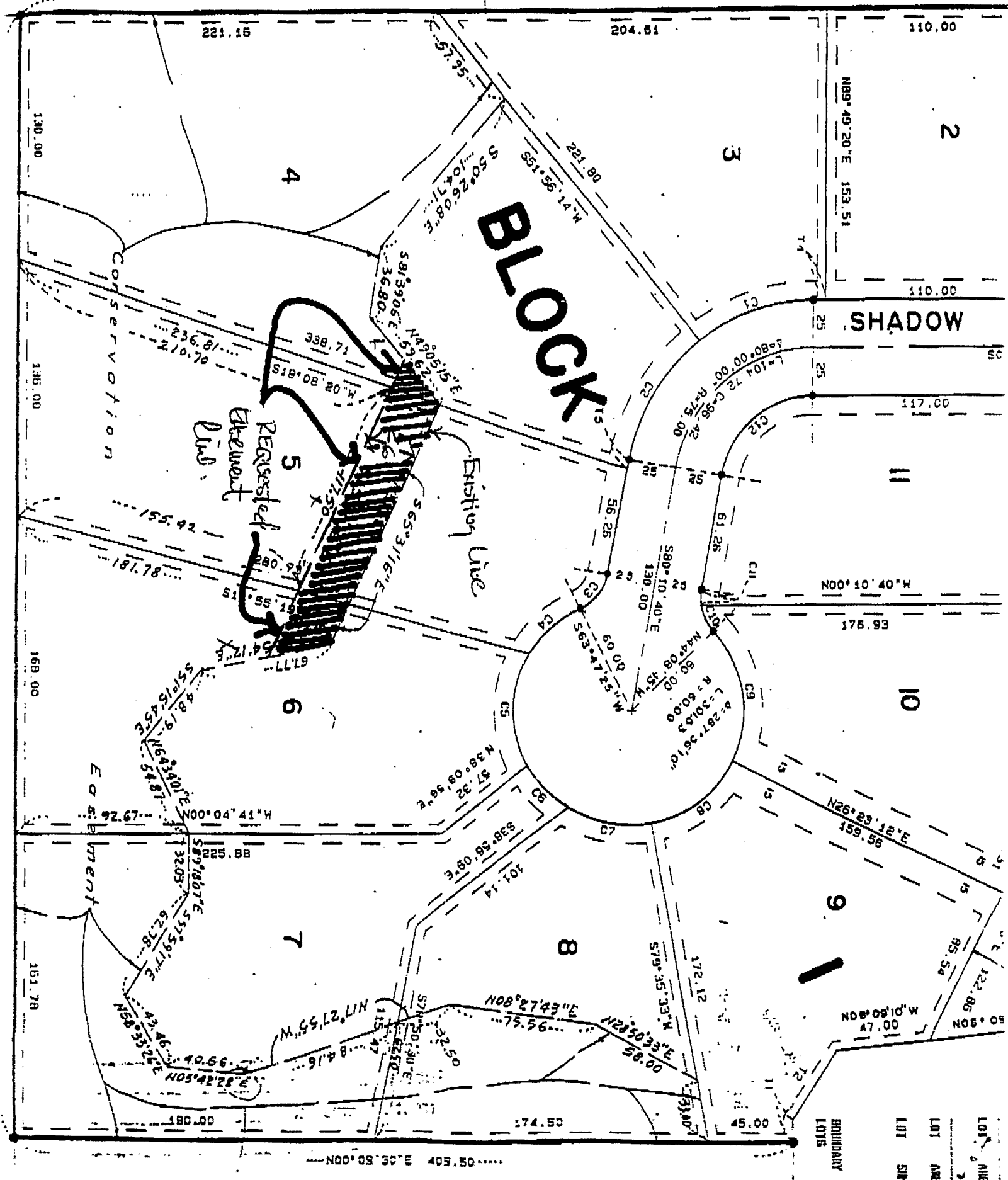




PECT HILLS



..... 500° 02' 48" E 678.77 .....



| LOT | AREA   |
|-----|--------|
| 1   | 122.86 |
| 2   | 85.54  |
| 3   | 172.12 |
| 4   | 174.50 |
| 5   | 180.00 |
| 6   | 151.78 |
| 7   | 151.78 |
| 8   | 151.78 |
| 9   | 151.78 |
| 10  | 151.78 |
| SUM | 151.78 |

### **RESOLUTION VACATING CONSERVATION EASEMENT**

WHEREAS, a resolution of the City Council, adopted the 6th day of May, 1991, fixed a date for a public hearing on a proposed vacation of easement for conservation purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 20th day of May, 1991, and concluded on the 3rd day of June, 1991, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the conservation easement be and is vacated effective as of June 4, 1991:

That part of the conservation easement over, under and across Lot 4, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 4; thence on an assumed bearing of North 00 degrees 02 minutes 46 seconds West, along the west line of said Lot 4, a distance of 221.16 feet to the northwest corner of said Lot 4; thence North 51 degrees 56 minutes 14 seconds East, along the northwesterly line of said Lot 4, a distance of 57.95 feet; thence South 50 degrees 26 minutes 08 seconds East 104.71 feet; thence South 81 degrees 39 minutes 06 seconds East 36.80 feet; thence North 49 degrees 05 minutes 15 seconds East 31.03 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 14.34 feet to the intersection with the east line of said Lot 4 and said line there terminating.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

Resolution Vacating Conservation Easement  
Page 2

That part of the conservation easement over, under and across Lot 6, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 6; thence on an assumed bearing of North 14 degrees 55 minutes 19 seconds East, along the west line of said Lot 6, a distance of 155.41 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 37.28 feet and said line there terminating.

The City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 3rd day of June, 1991.

**RESOLUTION VACATING EASEMENTS  
FOR UTILITY AND DRAINAGE PURPOSES**

WHEREAS, a resolution by the City Council, adopted the 6th of May, 1991, fixed a date for a public hearing on a proposed vacation of easements for drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 20th day of May, 1991, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacations be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota that the following described drainage and utility easements be and are hereby vacated effective as of May 21, 1991:

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

- The north 1.00 foot of the south 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.
- The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.
- The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.
- The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.
- The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.
- The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.
- The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.
- The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.
- The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00

foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

- The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.
- The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.
- The southwesterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.
- The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8 except the east 6.00 feet and the westerly 10.00 feet thereof.

The City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

**EXHIBIT A**

**PROPOSED VACATION OF CONSERVATION EASEMENT  
LOT 4, BLOCK 1  
CLARK'S 2ND ADDITION**

That part of the conservation easement over, under and across Lot 4, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 4; thence on an assumed bearing of North 00 degrees 02 minutes 46 seconds West, along the west line of said Lot 4, a distance of 221.16 feet to the northwest corner of said Lot 4; thence North 51 degrees 56 minutes 14 seconds East, along the northwesterly line of said Lot 4, a distance of 57.95 feet; thence South 50 degrees 26 minutes 08 seconds East 104.71 feet; thence South 81 degrees 39 minutes 06 seconds East 36.80 feet; thence North 49 degrees 05 minutes 15 seconds East 31.03 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 14.34 feet to the intersection with the east line of said Lot 4 and said line there terminating.

**AND**

**PROPOSED VACATION OF CONSERVATION EASEMENT  
CLARK'S 2ND ADDITION**

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

**AND**

**PROPOSED VACATION OF CONSERVATION EASEMENT  
LOT 6, BLOCK 1  
CLARK'S 2ND ADDITION**

That part of the conservation easement over, under and across Lot 6, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 6; thence on an assumed bearing of North 14 degrees 55 minutes 19 seconds East, along the west line of said Lot 6, a distance of 155.42 feet to the point of beginning of said line; thence South 65 degrees 31 minutes 16 seconds East 37.28 feet and said line there terminating.



# Minnesota Suburban Newspapers

## AFFIDAVIT OF PUBLICATION

City of Edina

(Official  
CITY  
4801 W. W.  
EDINA, MN  
NOTICE OF PUBLIC HEARING  
FOR UTILITY, DRAINAGE  
IN THE C  
HENNEPIN CO

STATE OF MINNESOTA)

SS.

COUNTY OF HENNEPIN)

Gregory Ptacin

, being duly sworn on an oath says that he/she is  
the publisher or authorized agent and employee of the publisher of the newspaper known as  
Edina Sun-Current, and has full knowledge of the facts which are  
stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper,  
as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week,  
for two successive weeks; it was first published on Wednesday, the 1 day  
of May, 19 91, and was thereafter printed and published on every Wednesday to  
and including Wednesday, the 8 day of May, 19 91; and printed below is  
a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size  
and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Gregory Ptacin

TITLE: General Manager

Acknowledged before me on this

8 day of May, 19 91.

Notary Public

MERIDEL M. HEDBLOM  
NOTARY PUBLIC-MINNESOTA  
HENNEPIN COUNTY  
MY COMMISSION EXPIRES 7-2-92

### RATE INFORMATION

- (1) Lowest classified rate paid by commercial users  
for comparable space
- (2) Maximum rate allowed by law for the above matter
- (3) Rate actually charged for the above matter

\$ 1.10 per line  
(Line, word, or inch rate)  
\$ 64.9¢ per line  
(Line, word, or inch rate)  
\$ 59¢ per line  
(Line, word, or inch rate)

NOTICE IS HEREBY GIVEN that the City of Edina, Minnesota, will meet at the Edina City Hall, 4801 W. W. Edina, MN 55424, for the purpose of holding a public hearing on the proposed utility, drainage, and conservation easements in CLARK'S 21. One foot of the 6 foot wide utility and as shown and dedicated, on Lots 1 through 10, according to the recorded plat of the north 1.00 foot of the south 6.00 feet of the east 10.00 feet thereof. The south 1.00 foot of the north 6.00 feet of said Lot 2, except the west 6.00 feet of the east 6.00 feet thereof. The east 1.00 foot of the west 6.00 feet of the south 6.00 feet thereof. The west 1.00 foot of the east 6.00 feet of the south 10.00 feet thereof. The east 1.00 foot of the west 6.00 feet of the south 10.00 feet thereof. The northwesterly 1.00 foot of the southerly 10.00 feet and the easterly 6.00 feet of the south 10.00 feet thereof. The south 1.00 foot of the north 6.00 feet of said Lot 3, except the east 6.00 feet thereof. The southeasterly 1.00 foot of the north 6.00 feet of said Lot 4, except the easterly 6.00 feet and the north 10.00 feet thereof. The east 1.00 foot of the west 6.00 feet of said Lot 5, except the south 6.00 feet thereof. The east 1.00 foot of the west 6.00 feet of the east and northeasterly 6.00 feet of the north 10.00 feet thereof. The southwesterly 1.00 foot of the northeasterly 1.00 foot of the west and south 6.00 feet and except the north 6.00 feet thereof. The south 1.00 foot of the north 6.00 feet of the south 6.00 feet of said Lot 8, except the east 6.00 feet thereof. That part of the conservation easement described in the plat of the north 1.00 foot of the south 6.00 feet of the east 10.00 feet of the north 6.00 feet of said Lot 2, except the west 6.00 feet of the east 6.00 feet thereof, lying northerly of the following describe Commencing at the southwest corner of North 19 degrees 08 minutes 20 seconds of the East 117.50 feet to the intersection of the line there terminating. All persons who desire to be heard with respect to the proposed easement vacations is in the public time and place. The Council shall consider the effect existing easements within the area of the proposed easement vacations affect the authority of any person, electric, telephone or cable television poles and hydrants on or under the area of the proposed easement to enter upon such easement areas or to remove, or otherwise attend thereto, for the purpose, the extent to which any or all of any such person enter upon the area of the proposed easement. BY ORDER OF THE EDINA CITY COUNCIL

(May 1

Publication)  
OF EDINA  
TH STREET  
MINNESOTA 55424  
G ON VACATION OF EASEMENTS  
ND CONSERVATION PURPOSES  
Y OF EDINA  
UNTY, MINNESOTA  
ouncil of the City of Edina, Hennepin County, Min-  
W. 50th Street on May 20, 1991, at 7:00 P.M. for the  
posed vacation of the following utility, drainage

**ADDITION:**  
rainage easement adjoining the side lot lines  
13 inclusive, Block 1, CLARK'S 2ND ADDI-  
eet, described as follows:

t of said Lot 1, except the west 6.00 feet and

et and the north 1.00 foot of the south 6.00  
et and east 10.00 feet thereof.

f said Lot 12, except the north 10.00 feet and

f said Lot 13, except the north 10.00 feet and

of said Lot 11, except the north 6.00 feet and

of said Lot 10, except the north 6.00 feet and

heasterly 6.00 feet of said Lot 9, except the  
feet thereof.

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and northerly 10.00 feet thereof.

and the west and southwesterly 1.00 foot of  
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er, under and across Lot 5, Block 1, CLARK'S  
d plat thereof, Hennepin County, Minnesota,  
line:

of Lot 5; thence on an assumed bearing of  
East, along the west line of said Lot 5, a  
nning: thence South 65 degrees 31 minutes  
ion with the east line of said Lot 5 and said

ject to the question of whether or not the above  
terest and should be made shall be heard at said  
tent to which such proposed easement vacations  
proposed vacations and the extent to which the  
orporation, or municipality owning or controlling  
lines, gas and sewer lines, or water pipes, mains  
sed vacations, to continue maintaining the same  
on thereof vacated to maintain, repair, replace,  
pose of specifying, in any such vacation resolu-  
easements, and such authority to maintain, and  
ns, shall continue.

MARCELLA M. DAEHN  
City Clerk

8, 1991)-ED

(Official Publication)  
CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

**NOTICE OF PUBLIC HEARING ON VACATION OF  
EASEMENTS FOR UTILITY, DRAINAGE AND CONSERVATION PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on May 20, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following utility, drainage and conservation easements in CLARK'S 2ND ADDITION:

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

The north 1.00 foot of the south 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.

Notice of Public Hearing  
Vacation of Easements  
Page 2

The southwesterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8, except the east 6.00 feet and the westerly 10.00 feet thereof.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacations is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacations affect existing easements within the area of the proposed vacations and the extent to which the vacations affect the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacations, to continue maintaining the same or to enter upon such easement areas or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacations, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on May 1 and May 8, 1991  
Send two Affidavits of Publication

04/22/91

**City of Edina**

|    |                            |
|----|----------------------------|
| \$ | 1.10 per line              |
|    | (Line, word, or inch rate) |
| \$ | 64.9¢ per line             |
|    | (Line, word, or inch rate) |
| \$ | 59¢ per line               |
|    | (Line, word, or inch rate) |

Publication)  
OF EDINA  
TH STREET  
MINNESOTA 55424  
G ON VACATION OF EASEMENTS  
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TY OF EDINA  
UNTY, MINNESOTA

council of the City of Edina, Hennepin County, Min-  
W. 50th Street on May 20, 1991, at 7:00 P.M. for the  
posed vacation of the following utility, drainage  
ADDITION:

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f said Lot 12, except the north 10.00 feet and

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and northerly 10.00 feet thereof.

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lines, gas and sewer lines, or water pipes, mains  
sed vacations, to continue maintaining the same  
ion thereof vacated to maintain, repair, replace,  
rpose of specifying, in any such vacation resolu-  
easements, and such authority to maintain, and  
ns, shall continue.

" MARCELLA M. DAEHN  
City Clerk  
8, 1991)-ED

SPECIAL INSTRUCTIONS: Because this is a two page notice, post so that each page can be read by the public.

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF POSTING NOTICE

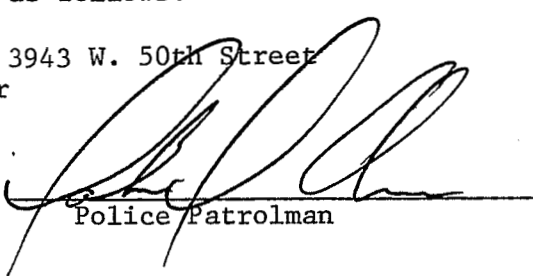
I, the undersigned duly appointed and acting Police Patrolman for the City of Edina, County of Hennepin, State of Minnesota, do hereby certify that I have on this date posted copies of the attached and foregoing

NOTICE OF PUBLIC HEARING - VACATION OF UTILITY, DRAINAGE AND CONSERVATION  
EASTMENTS - CLARKS 2ND ADDITION - MAY 20, 1991

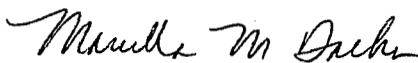
on three official City Bulletin Boards, as follows:

- 1) City Hall, 4801 W. 50th Street
- 2) 50th and France Business Area, 3943 W. 50th Street
- 3) Amundson Avenue Shopping Center

Dated 5-2-91

Signed   
Police Patrolman

Signed and sworn to before me, a Notary Public  
in and for Hennepin County, Minnesota, this  
3rd day of May, 19 91.



**NOTICE OF PUBLIC HEARING ON VACATION OF  
EASEMENTS FOR UTILITY, DRAINAGE AND CONSERVATION PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on May 20, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following utility, drainage and conservation easements in CLARK'S 2ND ADDITION:

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

The north 1.00 foot of the south 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.



Notice of Public Hearing  
Vacation of Easements  
Page 2

The southwesterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8, except the east 6.00 feet and the westerly 10.00 feet thereof.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacations is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacations affect existing easements within the area of the proposed vacations and the extent to which the vacations affect the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacations, to continue maintaining the same or to enter upon such easement areas or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacations, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn, City Clerk

04/22/91

1/1/74

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date May 1, 1991, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Vacation of Utility, Drainage & Conservation Easements (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date 20 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

| <u>Name</u> | <u>Address</u> |
|-------------|----------------|
| _____       | _____          |
| _____       | _____          |
| _____       | _____          |
| _____       | _____          |

WITNESS my hand and seal of said City this 1st day of May, 19 91.

Mauda M. Dack  
Edina City Clerk

## CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATIONDate Initiated 4-17-91

- 1) I hereby petition the City Council of the City of Edina to vacate all of the following described public right-of-way:

☐ Street
 ☐ Alley
 ☒ Utility Easement  
☐ Drainage Easement
 ☒ Other Conservation Easement  
 (describe)

TOTAL 100.00

04/17/91

Legal description of area proposed to be vacated:

See attached DescriptionsVacation requests involve Lots 1-13, Block 1, CLARKS 2ND ADDITION.Attached copy of scaled drawing showing in full detail the proposed vacation.

Signature of Owner:

Ronald E. ClarkAddress 5114 EDINA INDUSTRIAL BLVD.  
EDINA, MN. 55439

Signature

Paul C. Johnson

Address

McCoub's FRANK REOS ASSOC. INC.  
15050 23rd Ave. N.W.

Telephone

476 6010PLYMOUTH MN. 55447

- 2) Review

CITY ENGINEER by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

MINNEGASCO by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

N.W. BELL by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

N.S.P. by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

**NOTICE OF PUBLIC HEARING ON VACATION OF  
EASEMENTS FOR UTILITY, DRAINAGE AND CONSERVATION PURPOSES  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

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One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, described as follows:

The north 1.00 foot of the south 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 5, except the south 6.00 feet and northerly 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.

Notice of Public Hearing  
Vacation of Easements  
Page 2

The southwesterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8, except the east 6.00 feet and the westerly 10.00 feet thereof.

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacations is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacations affect existing easements within the area of the proposed vacations and the extent to which the vacations affect the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacations, to continue maintaining the same or to enter upon such easement areas or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacations, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn, City Clerk

04/22/91

Mailing List - Vacation of utility, drainage and conservation easements  
CLARK'S 2ND ADDITION

08-116-21-21-0002      Gust F. Weib/Patricia Olander  
7001 Lee Valley Circle  
Edina MN 55439

0073      Wendy J. Lyon  
7005 Lee Valley Circle  
Edina MN 55439

0057      John & Patricia Duffy  
0058      7041 Lanham Lane  
Edina MN 55439

(Applicant) Paul C. Johnson  
McCombs Frank Roos Associates, Inc.  
15050 23rd Avenue No.  
Plymouth MN 55447

Stuart E. Fraser  
NSP Normandale Division  
5309 W. 70th Street  
Edina MN 55439

Pat Hopman  
U.S. West Communications  
6244 Cedar Avenue So.  
Richfield MN 55423

Matt Haveland  
Paragon Cable  
801 Plymouth Ave No  
Minneapolis MN 55411

Steven Von Vargen  
Minnegasco, Inc.  
700 Linden Avenue W.  
P.O. Box 1165  
Minneapolis MN 55440-1165



## REPORT/RECOMMENDATION

|   |  |
|---|--|
| <b>To:</b> KEN ROSLAND, MANAGER   | <b>Agenda Item #</b> VI.A  |
| <b>From:</b> MARCELLA DAEHN, CLERK  | <b>Consent</b> <input checked="" type="checkbox"/>   |
| <b>Date:</b> MAY 3, 1991  | <b>Information Only</b> <input type="checkbox"/>   |
| <b>Subject:</b> PETITION FOR VACATION OF<br>UTILITY, DRAINAGE AND<br>CONSERVATION EASEMENTS -<br>CLARK'S 2ND ADDITION | <b>Mgr. Recommends</b> <input type="checkbox"/> To HRA<br><input checked="" type="checkbox"/> To Council   |
|   | <b>Action</b> <input type="checkbox"/> Motion<br><input checked="" type="checkbox"/> Resolution<br><input type="checkbox"/> Ordinance<br><input type="checkbox"/> Discussion |

### Recommendation:

Adoption of a resolution setting May 20, 1991 as hearing date on the vacation of easements for utility, drainage and conservation purposes in Clark's 2nd Addition.

### Info/Background:

A petition has been filed with the City requesting vacation of utility, drainage and conservation easements in the plat of Clark's 2nd Addition (70th & Cahill).

Staff would recommend that May 20, 1991 be set as hearing date to consider the vacation petition. Copy of petition is attached.

## CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATIONDate Initiated 4-17-91

- 1) I hereby petition the City Council of the City of Edina to vacate all of the following described public right-of-way:

☐ Street ☐ Alley ☒ Utility Easement

☐ Drainage Easement ☒ Other Conservation Easement TOTAL 100.00  
(describe)

04/17/91

Legal description of area proposed to be vacated:

See attached DescriptionsVacation requests involve Lots 1-13, Block 1, CLARKS 2ND ADDITION.Attached copy of scaled drawing showing in full detail the proposed vacation.

Signature of Owner:

Ronald E. ClowhAddress 5114 EDINA INDUSTRIAL BLVD.  
EDINA, MN. 55439

Signature

Address

Telephone 476 6010

Paul C. Johnson  
McCombs Frank Roos Assoc. Inc.  
15050 23rd Ave. NW.  
Plymouth MN 55447

## 2) Review

CITY ENGINEER by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

MINNEGASCO by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

N.W. BELL by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_

N.S.P. by ☐ Acceptable ☐ Opposed ☐ Conditional

Conditions \_\_\_\_\_



Proposed Vacation  
Utility and Drainage Easement in CLARK'S 2ND ADDITION

One foot of the 6 foot wide utility and drainage easement adjoining the side lot lines as shown and dedicated, on Lots 1 through 13 inclusive, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, are to be vacated as described as follows:

The north 1.00 foot of the south 6.00 feet of said Lot 1, except the west 6.00 feet and the east 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the north 1.00 foot of the south 6.00 feet of said Lot 2, except the west 6.00 feet and the east 10.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 12, except the north 10.00 feet and the south 6.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 13, except the north 10.00 feet and the south 6.00 feet thereof.

The west 1.00 foot of the east 6.00 feet of said Lot 11, except the north 6.00 feet and the south 10.00 feet thereof.

The east 1.00 foot of the west 6.00 feet of said Lot 10, except the north 6.00 feet and the south 10.00 feet thereof.

The northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 9, except the westerly 10.00 feet and the easterly 6.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northwesterly 1.00 foot of the southeasterly 6.00 feet of said Lot 3, except the west 6.00 feet and the east and northeasterly 10.00 feet thereof.

The southeasterly 1.00 foot of the northwesterly 6.00 feet and the west 1.00 foot of the east 6.00 feet of said Lot 4, except the west and south 6.00 feet and except the northeasterly and the north 10.00 feet thereof.

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The east 1.00 foot of the west 6.00 feet and the west and southwesterly 1.00 foot of the east and northeasterly 6.00 feet of said Lot 6, except the south 6.00 feet and the northerly 10.00 feet thereof.

The southwesterly 1.00 foot of the northeasterly 6.00 feet and the east and northeasterly 1.00 foot of the west and southwesterly 6.00 feet of said Lot 7, except east and south 6.00 feet and except the northwesterly 10.00 feet thereof.

The south 1.00 foot of the north 6.00 feet and the northeasterly 1.00 foot of the southwesterly 6.00 feet of said Lot 8, except the east 6.00 feet and the westerly 10.00 feet thereof.

PROPOSED VACATION OF CONSERVATION EASEMENT  
CLARK'S 2ND ADDITION

That part of the conservation easement over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet to the point of beginning; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5 and said line there terminating.

#9281

04/04/90

Revised 04/11/90

Revised 04/16/90

Revised 04/17/91

Revised 04/19/91

PROPOSED CONSERVATION EASEMENT  
CLARK'S 2ND ADDITION

A permanent easement for conservation purposes over, under and across Lot 5, Block 1, CLARK'S 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

Beginning at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 210.70 feet; thence South 65 degrees 31 minutes 16 seconds East 117.50 feet to the intersection with the east line of said Lot 5; thence southwesterly, along said east line to the southeast corner of said Lot 5; thence westerly along the south line of said Lot 5 to the point of beginning.

*Revised 04/22/91*

#9281  
04/04/90  
Revised 04/11/90  
Revised 04/16/90  
Revised 04/17/91

**McCombs Frank Roos Associates, Inc.**

Twin Cities

St. Cloud

15050 23rd Ave. N.  
Plymouth, MN  
55447Telephone  
612/476-8010  
Facsimile  
612/476-8532Engineers  
Planners  
Surveyors**FAX COVER SHEET**To: JackieEdinaFax #: 927-7645From: Tom McGintyDate: 4-22-91Subject: Vac. of Conservation EasementMFRA Job #: #9281# of Pages to Follow: 1

Comments: \_\_\_\_\_

If you do not receive all pages,  
Please contact Jill at (612) 476-6010, Ext. 117  
Or  
Our Fax Number is (612) 476-8532

**NOTICE OF PUBLIC HEARING ON VACATION OF  
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HENNEPIN COUNTY, MINNESOTA**

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Notice of Public Hearing  
Vacation of Easements  
Page 2

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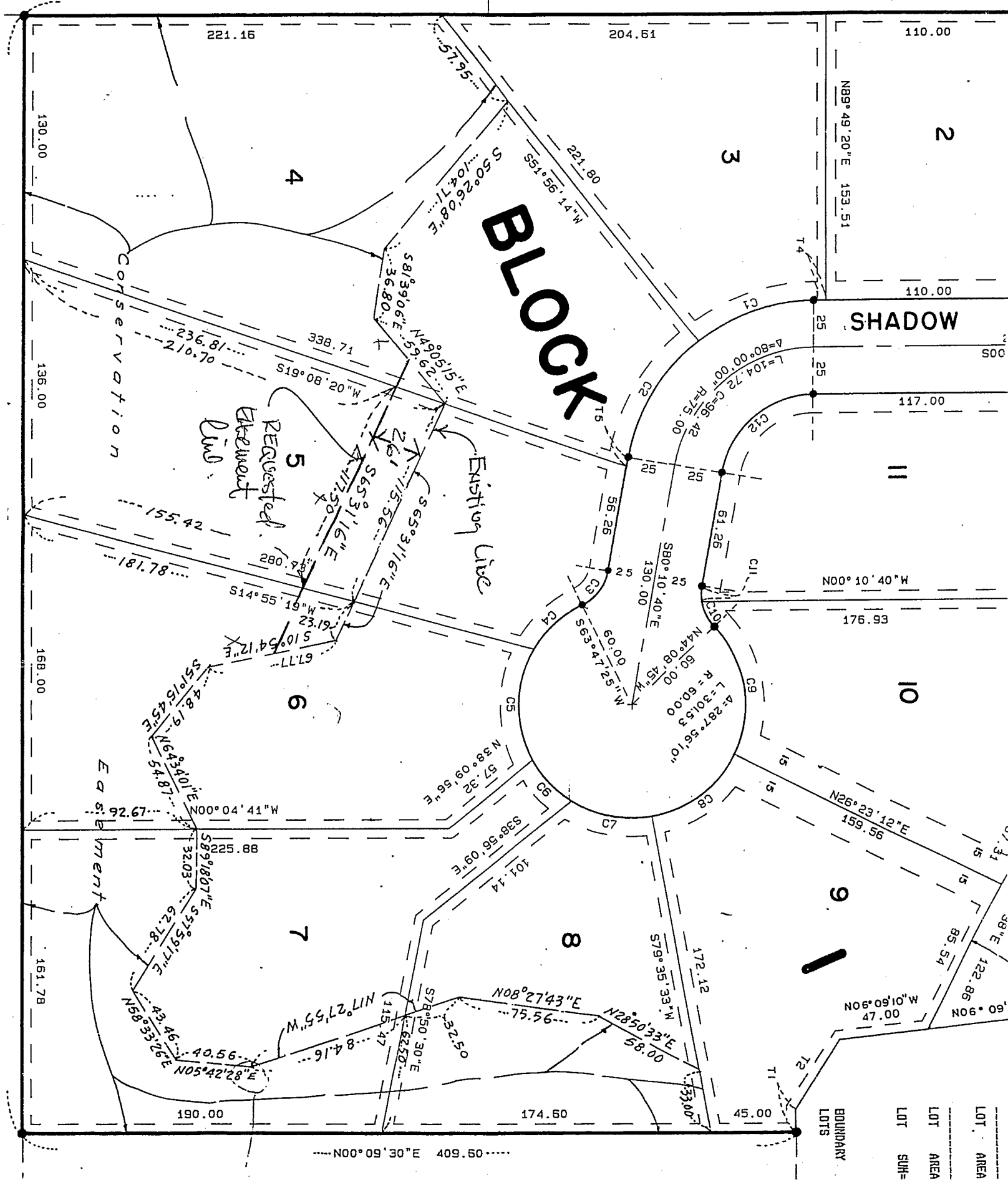
BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn, City Clerk

CAROLANE ADDITION

North 

-----S00° 02' 46"E 678.77----



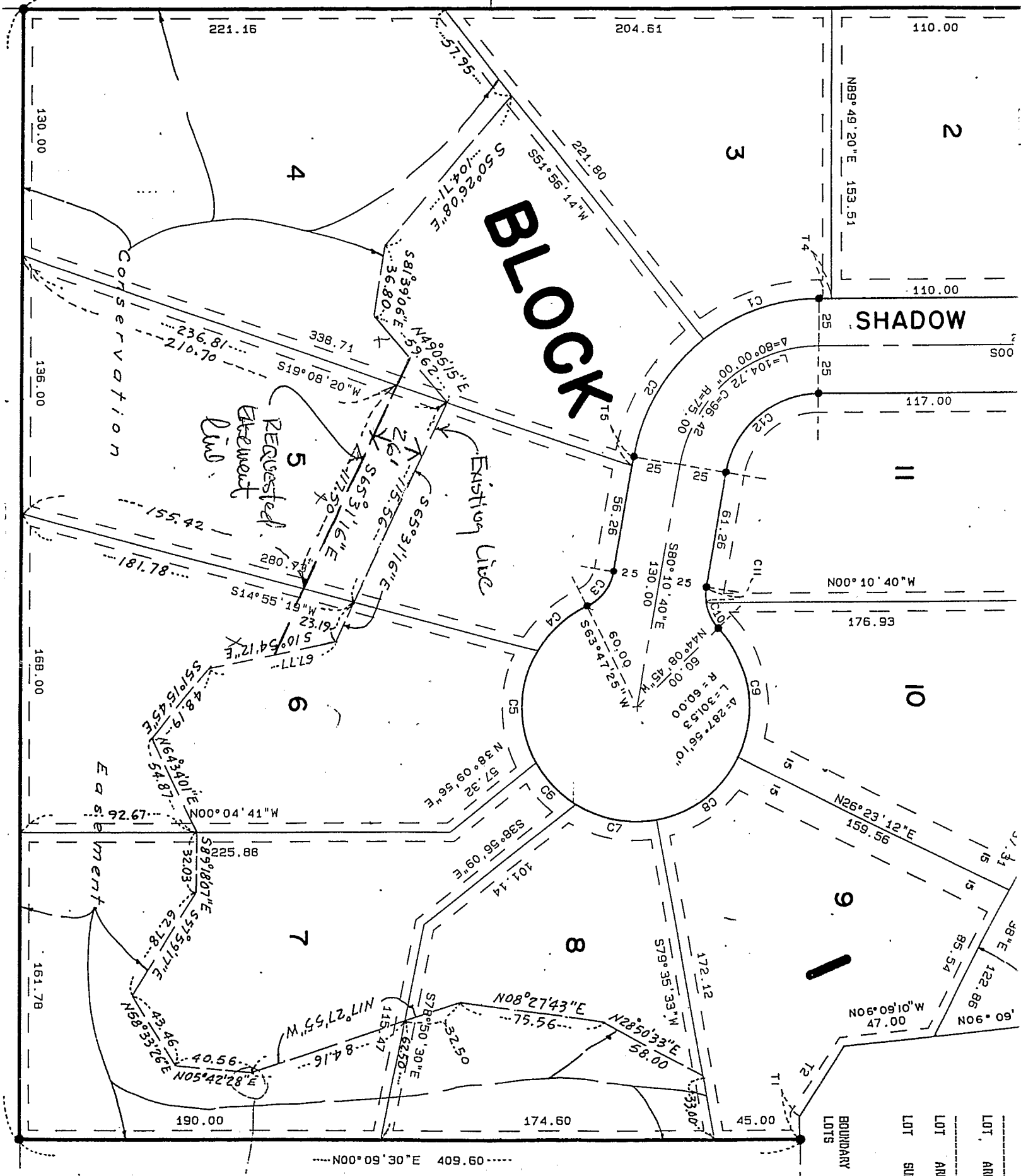
MP JOHNSON

CAROLANE ADDITION

PROSPECT HILLS



----- S00° 02' 45" E 678.77 -----



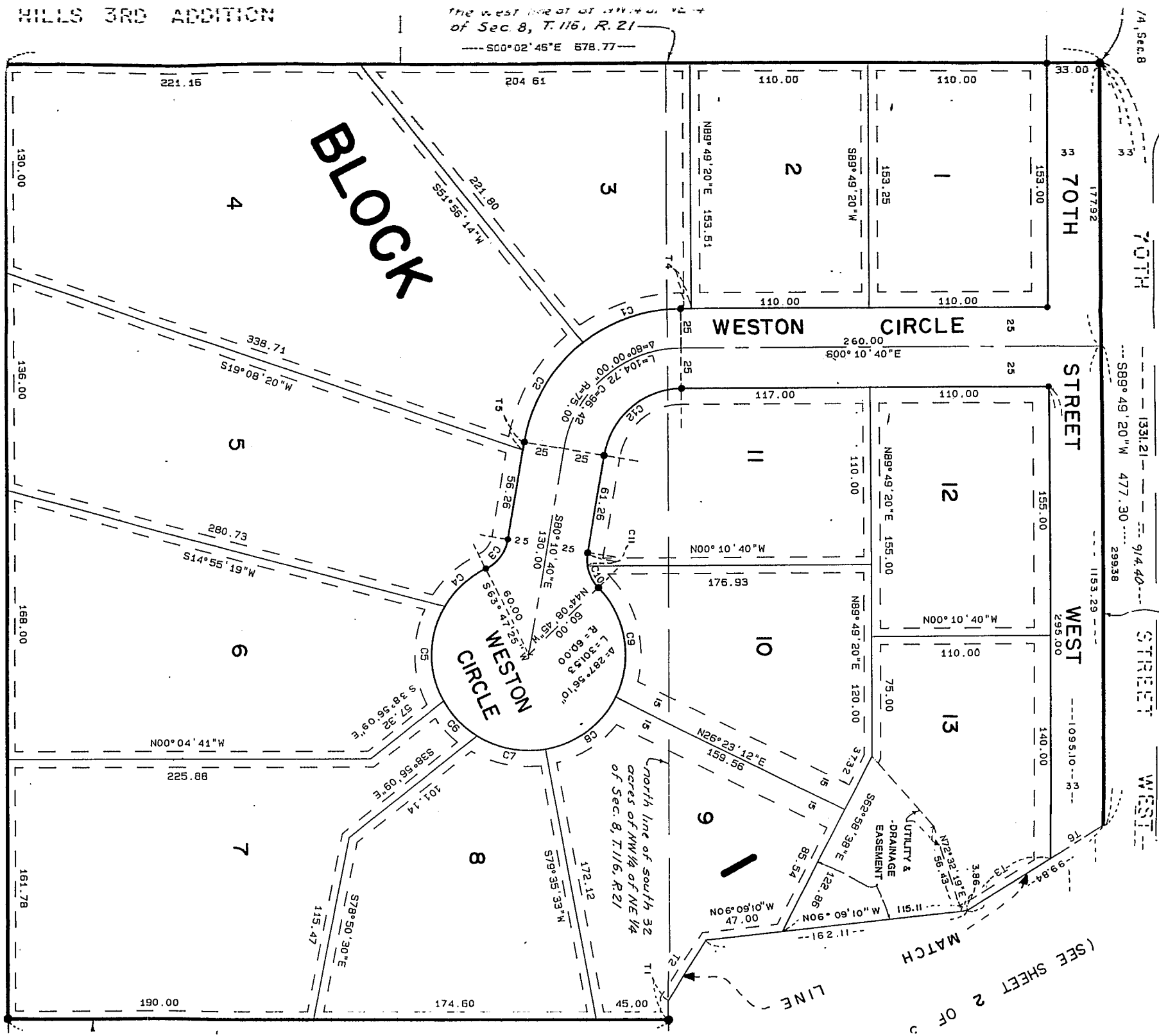
| LOT | AREA |
|-----|------|
| LOT | AREA |
| LOT | AREA |
| LOT | AREA |



# CLARK'S 2ND ADDITION

BUENA VISTA, HENNEPIN COUNTY, MINNESOTA.  
TRACEY AVE.

North line of NW 1/4 of NE 1/4 of Sec. 8



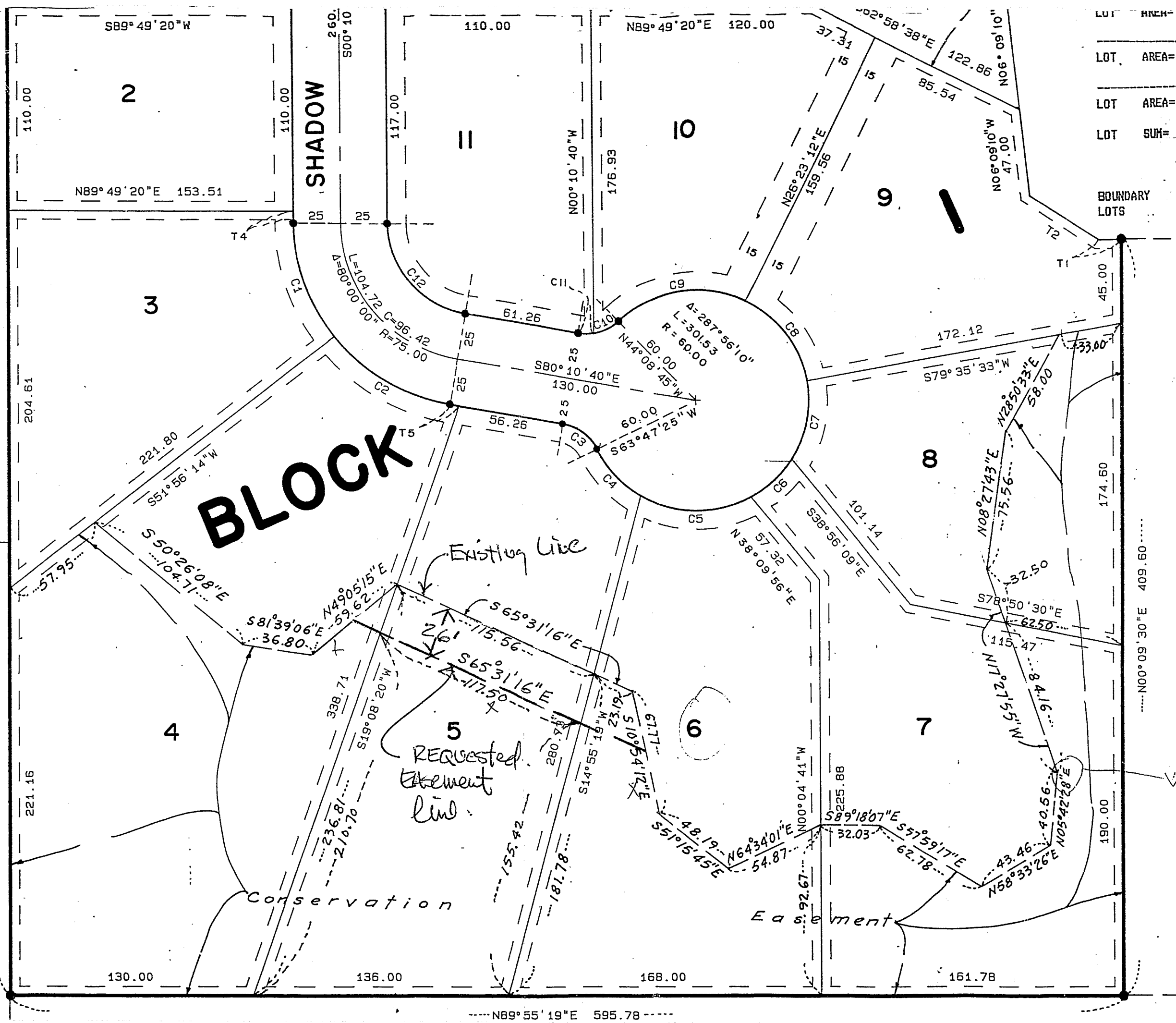




CAROLANE ADDITION

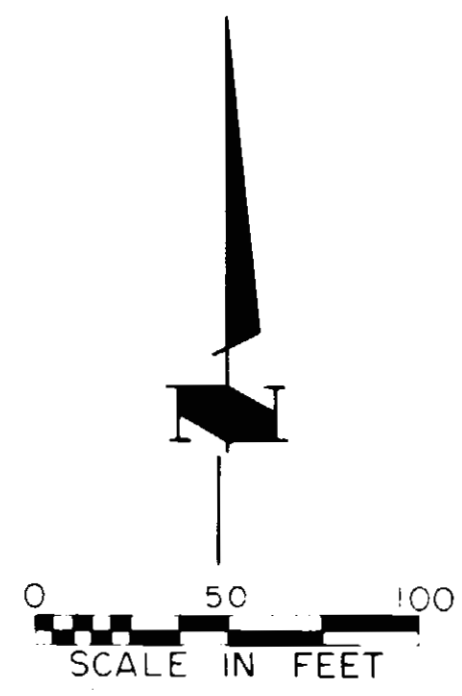
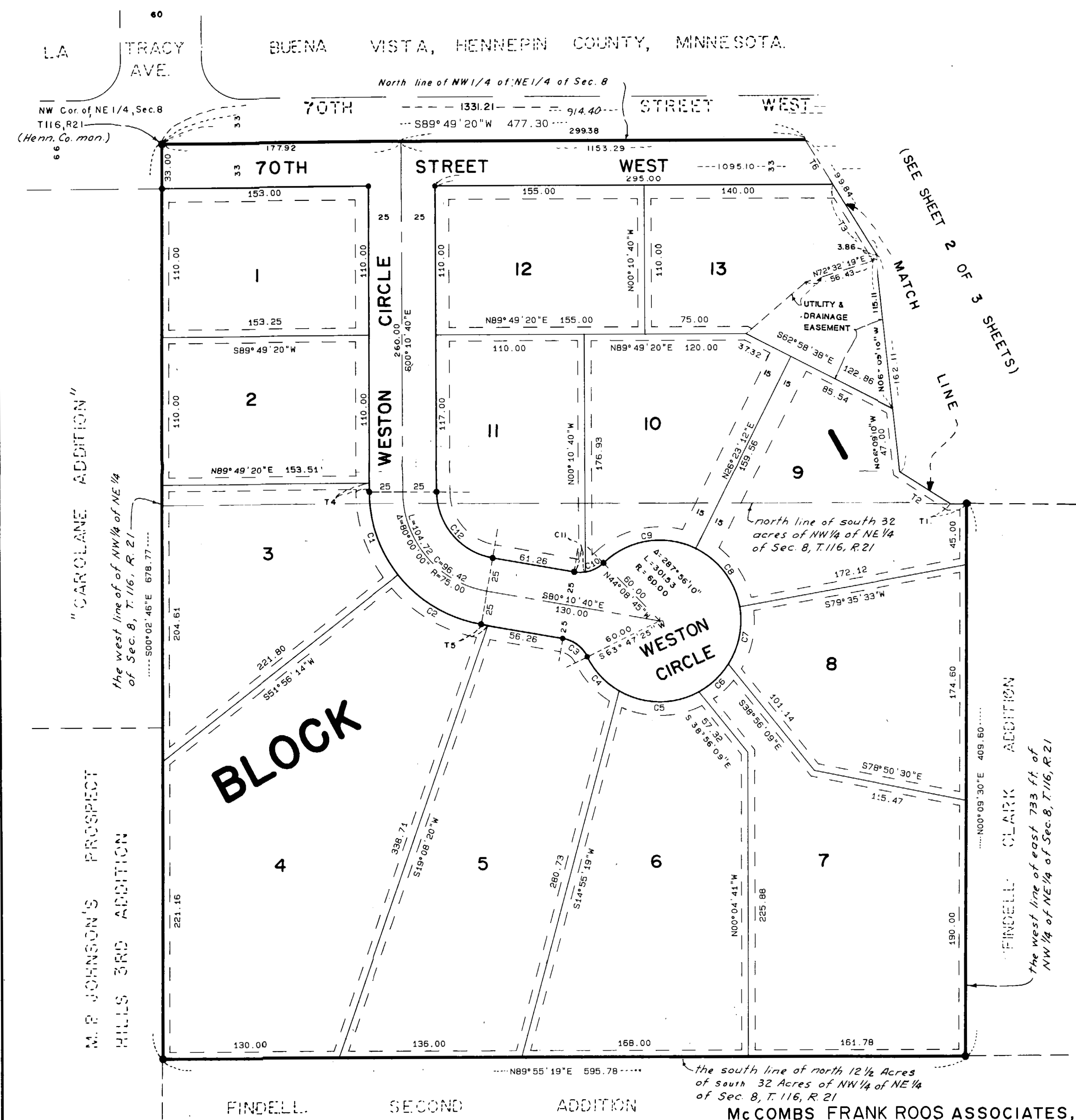
MP JOHNSON

PROSPECT HILLS



# CLARKS 2ND ADDITION

R.T. DOC. NO. \_\_\_\_\_  
C.R. DOC. NO. \_\_\_\_\_



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON ASSUMED DATUM.

• DENOTES IRON MONUMENT

ALL MONUMENTS HAVE BEEN SET PURSUANT TO MINNESOTA STATUTES 1988, SECTION 505.02, SUBDIVISION 1, AS AMENDED

| NO. | BEARING     | CHORD | DELTA     | RADIUS | LENGTH |
|-----|-------------|-------|-----------|--------|--------|
| C1  | S19°07'13"E | 64.92 | 37°53'06" | 100.00 | 66.12  |
| C2  | S59°07'13"E | 71.86 | 42°06'54" | 100.00 | 73.50  |
| C3  | S53°11'37"E | 22.69 | 53°58'05" | 25.00  | 23.55  |
| C4  | S42°59'52"E | 34.65 | 33°34'35" | 60.00  | 35.16  |
| C5  | S89°28'51"E | 59.39 | 59°19'24" | 60.00  | 62.12  |
| C6  | N46°21'48"E | 30.10 | 29°03'18" | 60.00  | 30.43  |
| C7  | N10°42'51"E | 43.24 | 42°14'35" | 60.00  | 44.24  |
| C8  | N37°00'37"W | 53.74 | 53°12'21" | 60.00  | 55.72  |
| C9  | S81°07'13"W | 69.29 | 70°31'57" | 60.00  | 73.86  |
| C10 | S63°13'21"W | 14.93 | 34°44'12" | 25.00  | 15.16  |
| C11 | N89°47'36"W | 8.35  | 19°13'53" | 25.00  | 8.39   |
| C12 | N40°10'40"W | 64.28 | 80°00'00" | 50.00  | 69.81  |

| NO. | BEARING     | DISTANCE |
|-----|-------------|----------|
| T1  | S89°55'19"W | 12.88    |
| T2  | N56°39'03"W | 43.97    |
| T3  | N32°10'40"W | 60.93    |
| T4  | S00°10'40"E | 5.00     |
| T5  | S80°10'40"E | 5.00     |
| T6  | S32°10'40"E | 38.91    |

UTILITY AND DRAINAGE EASEMENTS ARE SHOWN THUS:

6.0 6.0 10.0

(NOT TO SCALE)

10.0

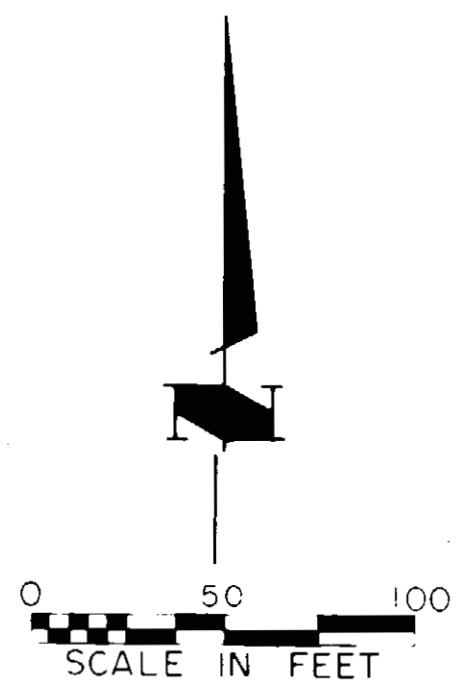
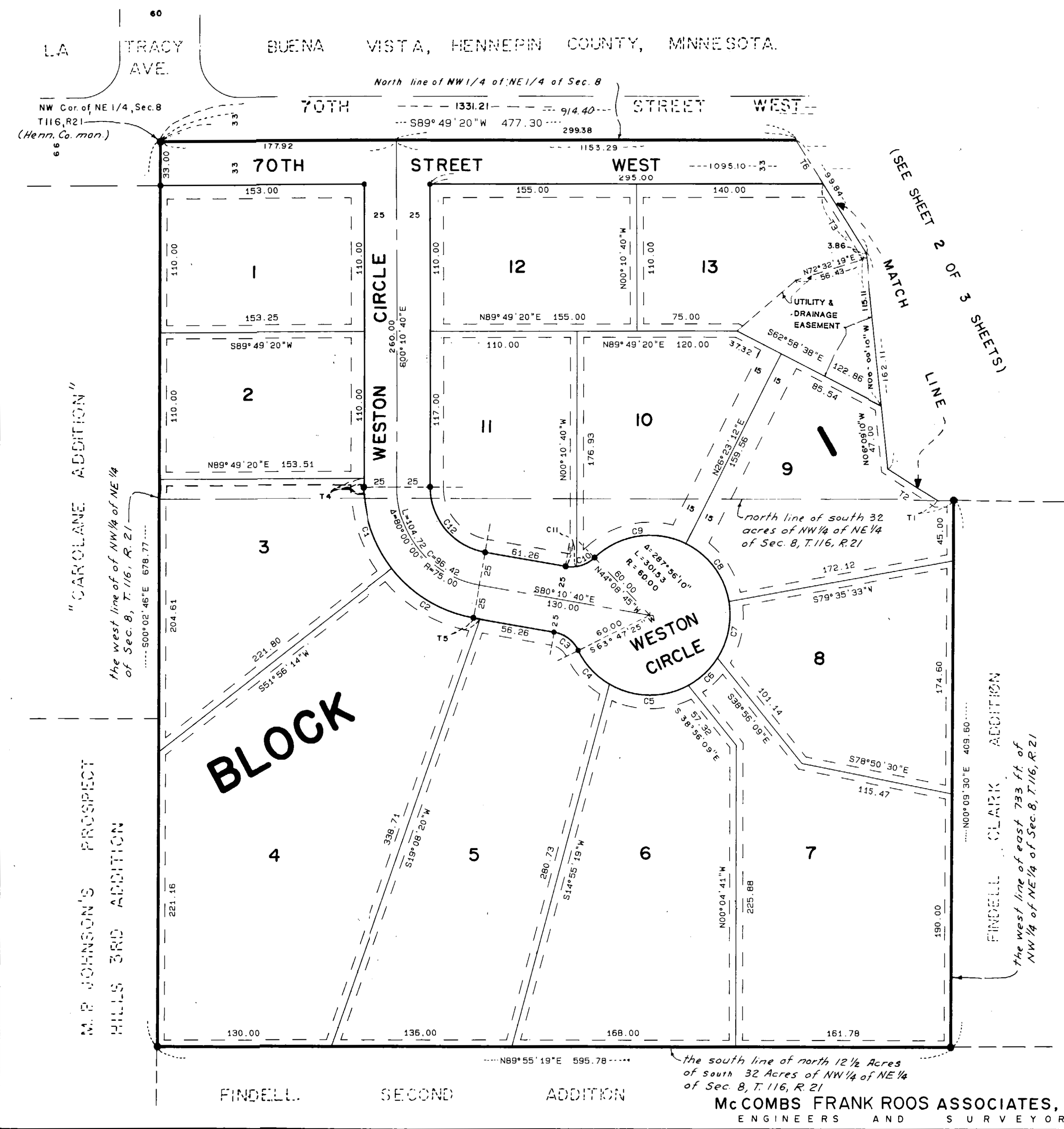
BEING 6 FEET IN WIDTH AND ADJOINING LOT LINES UNLESS OTHERWISE INDICATED AND 10 FEET IN WIDTH AND ADJOINING STREET LINES, AS SHOWN ON THE PLAT.

5ft. INTERIOR SIDE LOT LINES

McCOMBS FRANK ROOS ASSOCIATES, INC.  
ENGINEERS AND SURVEYORS

# CLARKS 2ND ADDITION

R.T. DOC.NO. \_\_\_\_\_  
C.R. DOC.NO. \_\_\_\_\_



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON ASSUMED DATUM.

● DENOTES IRON MONUMENT

ALL MONUMENTS HAVE BEEN SET PURSUANT TO MINNESOTA STATUTES 1988, SECTION 505.02, SUBDIVISION 1, AS AMENDED

| NO. | BEARING     | CHORD | DELTA     | RADIUS | LENGTH |
|-----|-------------|-------|-----------|--------|--------|
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| C5  | S89°26'51"E | 59.39 | 59°19'24" | 60.00  | 62.12  |
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| C8  | N37°00'37"W | 53.74 | 53°12'21" | 60.00  | 55.72  |
| C9  | S81°07'13"W | 69.29 | 70°31'57" | 60.00  | 73.86  |
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UTILITY AND DRAINAGE EASEMENTS ARE SHOWN THUS:

(NOT TO SCALE)

BEING 6 FEET IN WIDTH AND ADJOINING LOT LINES UNLESS OTHERWISE INDICATED AND 10 FEET IN WIDTH AND ADJOINING STREET LINES, AS SHOWN ON THE PLAT.

5ft. INTERIOR SIDE LOT LINES

McCOMBS FRANK ROOS ASSOCIATES, INC.  
ENGINEERS AND SURVEYORS



**McCombs Frank Roos Associates, Inc.**

15050 23rd Avenue North, Plymouth, Minnesota 55447

Telephone  
612/476-6010  
612/476-8532 FAX

Engineers  
Planners  
Surveyors

April 17, 1991

Mr. Craig Larsen  
Director of Community Development  
City of Edina  
4801 West 50th Street  
Edina, Minnesota 55424

SUBJECT: Drainage, Utility and Conservation Easement Vacation  
Clarks 2nd Addition  
MFRA #9281

Dear Mr. Larsen:

Transmitted with this letter is an application, filing fee and descriptions for each of the requested utility and drainage easement vacations and adjustment by vacation of a portion of the conservation easement affecting Lot 5, Block 1.

You will recall from previous conversations, the basis for this request to vacate 1 foot of the drainage and utility easements on all interior lot lines of Lots 1 through 13 of Block 1 is based on the fact that the City required easement is 5 feet, and we erroneously attached a detail to the plat which stated 6 feet utility and drainage easement on interior lot lines. This error was discovered by Ron Clark as he prepared plans for a home which necessitated utilization of the entire available frontage. In this regard, we request the City grant 1 foot vacation of the interior side yard utility drainage easement. (Please refer to the attached Easement Description.)

With regard to the conservation easement as designated on Lot 5 of Block 1; the owner requests the easement be adjusted southerly by approximately 26'. The reason for seeking this southerly adjustment is to provide for greater depth of lot and to allow a home to be situated on the lot with rear yard usage including decks, pools and patios, more similar to the opportunities that exist on the neighboring Lots (4 and 6). Both Lot 4 and 6 have the opportunity for the home and outdoor use areas to be extended deeper into the lot in contrast to the limitations imposed on Lot 5 by the relatively shallow depth of the lot.

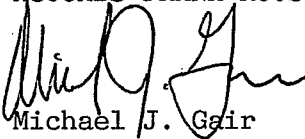
This situation could have been observed and resolved at the time the conservation easement was imposed; however, the reality of the circumstances were not as obvious as they are under the developed conditions.

Mr. Craig Larsen  
April 17, 1991  
Page Two

We appreciate your patience and guidance with regard to our requests and our efforts to resolve this plat error.

Kindest regards,

MCCOMBS FRANK ROOS ASSOCIATES, INC.



Michael J. Gair

MJG:aju  
Enclosures  
cc: Ron Clark





City of Edina, Minnesota  
OFFICE OF THE CITY CLERK  
4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

## TRANSMITTAL

DATE: 04/19/91

TO: Paul Johnson FAX 476-8532  
McCombs Frank Roos Assoc. Inc.

FROM: Marcella Daehn, City Clerk

RE: Conservation Easement - Clark's 2nd Addition

| ITEM(S): | NO.      | DESCRIPTION                  |
|----------|----------|------------------------------|
|          | <u>1</u> | <u>Conservation Easement</u> |
|          |          |                              |
|          |          |                              |
|          |          |                              |

PURPOSE:

|                 |                      |                 |                     |
|-----------------|----------------------|-----------------|---------------------|
| <u>X</u>        | As you requested     | <u>        </u> | Review and return   |
| <u>        </u> | For your information | <u>        </u> | Reply to sender     |
| <u>        </u> | For your approval    | <u>        </u> | Other (see remarks) |

REMARKS: 8 pages including cover

Recorded with Hennepin County as Document 2119988 8-27-90

Please FAX (927-7645) the legal description for the part of

the conservation easement you wish vacated.

## CONSERVATION EASEMENT

THIS INDENTURE, Made as of this 18<sup>th</sup> day of July, 1990, between R.E.C., INC., a Minnesota corporation (hereinafter called "Owner," whether one or more), and the CITY OF EDINA, a municipal corporation under the laws of the State of Minnesota (hereinafter called "Edina").

### WITNESSETH:

That Owner, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto Edina, its successors and assigns, Forever, a Conservation Easement pursuant to Minnesota Statutes § 84.64, for the purposes and on the terms hereinafter specified, over, on and across the tracts or parcels of land lying and being in the County of Hennepin, State of Minnesota, described in Exhibit I attached hereto and made a part hereof (said tracts and parcels of land being hereinafter together called the "Easement Area").

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to Edina, its successors and assigns, Forever. And Owner, for Owner and Owner's successors and assigns, covenants with Edina, its successors and assigns, that it is well seized in fee simple of the Easement Area, and has good right to convey the interests therein pursuant hereto, and that the Easement Area is free from all encumbrances, except real estate taxes and installments of special assessments payable therewith which are not yet due, and except for easements of record as of the date hereof, if any. And the Easement Area, in the quiet and peaceable possession of Edina, its successors and assigns, for the purposes hereby granted against all persons lawfully claiming or to claim the whole or any part thereof, subject to the encumbrances hereinbefore mentioned, Owner will warrant and defend.

The purposes of this Conservation Easement is to assure that the Easement Area shall at all times: (i) remain substantially in its present natural condition; (ii) constitute scenic surroundings; and (iii) constitute a suitable habitat for wildlife. To accomplish this purpose, Owner, for Owner and Owner's successors and assigns, does hereby covenant and agree that:

1. No buildings, roads, signs, billboards or other advertising of any kind, and no utilities or other structures of any kind shall be hereafter erected or placed on or above any part of the Easement Area without the express prior written approval of Edina.

**TRANSFER ENTERED**  
DEPT. OF PROPERTY TAX & PUBLIC RECORDS

AUG 27 1990

HENNEPIN COUNTY MINN.  
BY \_\_\_\_\_ DEPUTY

2. No soil or other substance or material shall be dumped or placed as landfill on any part of the Easement Area without the express prior written approval of Edina.

3. No trash, waste or unsightly or offensive materials shall be dumped or placed on any part of the Easement Area.

4. No trees, shrubs or other vegetation shall be removed from any part of the Easement Area without the express prior written approval of Edina.

5. No loam, peat, gravel, soil, rock or other material substance shall be excavated, dredged or removed from any part of the Easement Area without the express prior written approval of Edina.

6. No activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, fish and wildlife habitat preservation or other acts or uses detrimental to the Easement Area as a natural and scenic open or wooded space or as a wildlife habitat, shall be conducted or permitted to be conducted on any part of the Easement Area.

7. No surface use shall be made of any part of the Easement Area except for purposes consistent with the maintenance of the Easement Area in its natural condition without the express prior written approval of Edina. However, pedestrian travel over any lot within the Easement Area by the fee owners of such lot or his or her invitees shall be allowed, but without construction of paths or other surface improvements of any kind.

8. The Easement Area shall be maintained at all times by Owner, Owner's successors and assigns, in full compliance with all applicable ordinances of Edina now or hereinafter enacted and in full compliance with the provisions of this Conservation Easement.

9. This Conservation Easement shall not operate to grant to Edina the right to enter upon or use or improve, or to permit the public to enter upon or use or improve, the Easement Area for any purpose whatsoever, including without limitation, as or for a park. Provided, however, that the provisions of the immediately preceding sentence shall not restrict or prevent Edina from exercising its remedies as provided in paragraph 10 hereof.

10. The rights and remedies, in law and in equity, given by the laws of Minnesota, including, without limitation, Minnesota Statutes § 84.65 or any successor statute, as they may hereafter be supplemented, modified or amended, shall be available to Edina. Also, if there shall be a violation or breach, or an attempt to violate or breach, any of the terms, covenants or conditions of this Conservation Easement, Edina may prosecute any proceedings at law or in equity

against the person, firm or corporation violating or breaching, or attempting to violate or breach, any such term, covenant or condition, to either prevent such violation or breach or to recover damages for such violation or breach. Also, in the event of such violation or breach, and if such violation or breach is not cured within thirty (30) days after the mailing or delivery by Edina of written notice of such violation or breach to the then record owners (as such owners and their addresses are shown on the records of the Edina assessor) of the lot or lots in the plat of Clarks 2nd Addition within the Easement Area upon which such violation or breach occurred, then Edina may, at its option, enter upon the Easement Area with such personnel, equipment and material as it determines necessary, to undertake to perform the term, covenant or condition so violated or breached, or to cure the violation or breach, and the cost incurred, including attorneys' fees, with interest at the highest rate then allowed by law, or, if no maximum rate is applicable, then at the rate of twelve percent (12%) per annum, shall be payable by the then record owners of the lot within the Easement Area in Clarks 2nd Addition upon which such violation or breach is threatened or has occurred, on demand made by Edina, its successors and assigns, and such record owners shall also pay all costs of collection thereof, including attorneys' fees, with interest thereon as above provided, if payment is not made on demand, whether or not suit be brought. In addition to other remedies then available for collection of such costs and interest, Edina may levy such costs and interest against any lot within the Easement Area in Clarks 2nd Addition upon which such violation or breach was threatened or occurred, in the same manner as special assessments (without, however, any notice or hearing of any kind) and collect the same with the real estate taxes against the whole of such lots which are payable in the year following the year such costs and interest are so charged, and Owner, for itself, its successors and assigns, hereby waives any and all objections to such assessment, including, without limitation, the amount thereof, the hearing process (including the giving of, or failure to give, or error in giving of, any required notice) and including all rights of appeal from such levy. If such assessments are not paid, the whole of the lots against which the assessment is levied may be sold and conveyed in the same manner as lands forfeited for nonpayment of real estate taxes are sold and conveyed. The lien of such assessment shall be subordinate to the lien of any mortgage against the lots against which such assessment is levied which is of record as of the date of such levy.

11. The terms, covenants and conditions hereof shall run with the land and shall be binding on all present and future owners and occupiers of the Easement Area, and shall only inure to the benefit of Edina, its successors and assigns, and may be amended or modified as to any lot described in Exhibit I hereto, at any time and from time to time by the sole act of Edina and the then record owners of that lot, and may be released at any time by the sole act of Edina.

12. Each person who is a record owner of a lot described in Exhibit I hereto shall be liable and obligated hereunder for all liabilities and obligations accruing while such a record owner, but such liability and obligation shall cease as to



## CONSENT AND SUBORDINATION

The undersigned, being the holder of liens on and interests in the lots in the "Easement Area" as described in the Conservation Easement to which this Consent and Subordination is attached, pursuant to the following described documents: Mortgage, Security Agreement, Fixture Financing Statement and Assignment of

**documents:** Mortgage, Security Agreement, Fixture Financing Statement and Assignment of Leases and Rents dated July 18, 1990, executed by R.E.C., Inc., a Minnesota corporation, in favor of American National Bank and Trust Company, filed of record in the office of the Hennepin County Recorder on July 19, 1990, as Document No. 5683247, and in the office of the Hennepin County Registrar of Titles on July 19, 1990, as Document No. 2111331.

does hereby agree and consent to all of the terms and conditions of the Conservation Easement to which this Consent and Subordination is attached, and agrees that the liens and interests created by such documents, and all renewals, modifications and extensions thereof, are and shall be subordinate to the easements and interests created by said Conservation Easement, and agrees to be bound by all of the obligations of, and subject to all of the remedies available against, Owner, as defined in such Conservation Easement, and record owners of lots within the Easement Area as described in such Conservation Easement, in the event it becomes the owner of one or more of the lots within the Easement Area.

Dated: July 31, 1960

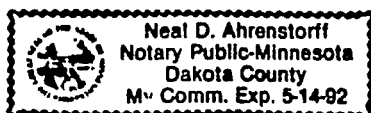
AMERICAN NATIONAL BANK  
AND TRUST COMPANY

By Whitell K. Smith  
Its Vice President

And Harlow J. Nieland  
Its Vice President

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN)

The foregoing Consent and Subordination was acknowledged before me this 31<sup>st</sup> day of July, 1990, by Michael J. Kukielke, the Vice President and Barbara J. Nieland, the Vice President of AMERICAN NATIONAL BANK AND TRUST COMPANY, a national banking association, on behalf of the association.



  
Notary Public

EXHIBIT I  
TO  
CONSERVATION EASEMENT

That part of Lot 8, Block 1, CLARKS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the southeast corner of said Lot 8; thence on an assumed bearing of North 78 degrees 50 minutes 30 seconds West, along the south line of said Lot 8, a distance of 62.50 feet; thence North 17 degrees 27 minutes 55 seconds West 32.50 feet; thence North 08 degrees 27 minutes 43 seconds East 75.56 feet; thence North 28 degrees 50 minutes 33 seconds East 58.00 feet to the intersection with the north line of said Lot 8; thence easterly along said north line 33.00 feet to the northeast corner of said Lot 8; thence southerly along the east line of said Lot 8 to the point of beginning;

ALSO,

That part of Lot 7, Block 1, CLARKS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of said Lot 7; thence on an assumed bearing of North 00 degrees 04 minutes 41 seconds West, along the west line of said Lot 7 a distance of 92.67 feet; thence South 89 degrees 18 minutes 07 seconds East 32.03 feet; thence South 57 degrees 59 minutes 17 seconds East 62.78 feet; thence North 58 degrees 33 minutes 26 seconds East 43.46 feet; thence North 05 degrees 42 minutes 28 seconds East 40.56 feet; thence North 17 degrees 27 minutes 55 seconds West 84.16 feet to an intersection with a northerly boundary line of said Lot 7; thence South 78 degrees 50 minutes 30 seconds East, along said northerly boundary line, 62.50 feet to the east line of said Lot 7; thence southerly along said east line to the southeast corner of said Lot 7; thence westerly along the south line of said Lot 7 to the point of beginning;

ALSO,

That part of Lot 6, Block 1, CLARKS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of said Lot 6; thence on an assumed bearing of North 14 degrees 55 minutes 19 seconds East, along the west line of said Lot 6, a distance of 181.78 feet; thence South 65 degrees 31

minutes 16 seconds East 23.19 feet; thence South 10 degrees 54 minutes 12 seconds East 67.77 feet; thence South 51 degrees 15 minutes 45 seconds East 48.19 feet; thence North 64 degrees 34 minutes 01 seconds East 54.87 feet to the intersection with the east line of said Lot 6; thence southerly along said east line to the southeast corner of said Lot 6; thence westerly along the south line of said Lot 6 to the point of beginning;

ALSO,

That part of Lot 5, Block 1, CLARKS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of said Lot 5; thence on an assumed bearing of North 19 degrees 08 minutes 20 seconds East, along the west line of said Lot 5, a distance of 236.81 feet; thence South 65 degrees 31 minutes 16 seconds East 115.56 feet to the intersection with the east line of said Lot 5; thence southwesterly, along said east line to the southeast corner of said Lot 5; thence westerly along the south line of said Lot 5 to the point of beginning;

ALSO,

That part of Lot 4, Block 1, CLARKS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of said Lot 4; thence on an assumed bearing of North 00 degrees 02 minutes 46 seconds West, along the west line of said Lot 4, a distance of 221.16 feet to the northwest corner of said Lot 4; thence North 51 degrees 56 minutes 14 seconds East, along the northwesterly line of said Lot 4, a distance of 57.95 feet; thence South 50 degrees 26 minutes 08 seconds East 104.71 feet; thence South 81 degrees 39 minutes 06 seconds East 36.80 feet; thence North 49 degrees 05 minutes 15 seconds East 59.62 feet to an intersection with the east line of said Lot 4; thence southwesterly along said east line to the southeast corner of said Lot 4; thence westerly along the south line of said Lot 4 to the point of beginning.